REMARKS

Applicants respectfully request reconsideration of this application. Claims 13-17

and 28-35 were pending. No claims have been amended. No claims have been canceled

or added in the current response. Claims 13-17 and 28-35 remain pending.

Claims 13-17 and 28-35 are rejected under 35 U.S.C. §102(e) as being anticipated

by Circenis (US Patent No. 6,816,809). Applicants respectfully traverse the rejection.

Claim 13 sets forth:

> a plurality of processors, wherein one of the plurality of processors is
> operable *to cause remaining processors* of the plurality of processors to *pause
> execution of a plurality of threads before initiating a frequency calculation thread*
> on the one of the plurality of processor *to prevent interrupting the frequency
> calculation thread*;

(Claim 13) (emphasis added)

In contrast, Circenis fails to disclose at least the above limitation. According to

Circenis, an idle indicator, a usage data provider, a system clock, and a counter are

provided to support hardware based utilization metering for a central processing unit

(CPU). The idle indicator provides either an "idle" indication or a "not-idle"/"busy"

indication of the CPU. The counter measures CPU cycles for the CPU when the CPU is

not idle, using the inputs from the system clock and the idle indicator. The usage data

provider tracks the counter value and maintains a non-volatile master copy of the counter

value. (Circenis, col. 3, ln. 50 – col. 4, ln. 23) Circenis further discloses that some

operating systems halt the CPU when the CPU is not processing commands (i.e., the CPU

is idle), while other operating systems do not halt the CPU when the CPU is idle. The

other operating systems may place the CPU into an idle loop, where the CPU remains

until the operating system requires CPU processing. (Circenis, col. 4, ln. 40-50) Metering

utilization of the CPU in Circenis has no impact on any other CPU. The CPU in Circenis does not cause any other CPU to *pause execution of a plurality of threads before initiating a frequency calculation thread* on the one of the plurality of processor *to prevent interrupting the frequency calculation thread*. Therefore, Circenis fails to anticipate claim 13 for at least this reason. Withdrawal of the rejection is respectfully requested.

Claims 28 and 32 are not anticipated by Circenis for at least the reason discussed above with respect to claim 13. Claims 14-17, 29-31, and 33-35 depend from claims 13, 28, and 32, respectively, and thus, are not anticipated by Circenis. Withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicants respectfully submit that the rejections have been overcome by the remarks, and that the pending claims are in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the pending claims be allowed.

Pursuant to 37 C.F.R. §1.136(a)(3), Applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

                                        Respectfully submitted,
                                        BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: _4 / 22_, 2009   _____
                                        Chui-kiu Teresa Wong
                                        Attorney for Applicants
                                        Reg. No. 48,042

1279 Oakmead Parkway
Sunnyvale, California 94085
(408) 720-8300